

1 BILL NO. Z-87-10-04

2 ZONING MAP ORDINANCE NO. Z-Losh

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. P-31.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-3-B (General Industrial) District
9 under the terms of Chapter 33 of the Code of the City of
10 Fort Wayne, Indiana of 1974:

11 The undivided 1/2 of a part of Lot Numbered 1 of
12 Neuenschwander's Addition to the City of Fort Wayne,
13 described as follows: Beginning at the Southeast
14 corner of said Lot, said corner being a point on the
15 North line of said Decatur Road; thence Northwest along
16 the North line of said Decatur Road, 92.8 feet to the
17 point situated 264 feet Southeast from the Southwest
18 corner of said Lot Number 1; thence Northeast 304.3
19 feet to a point in the East line of said Lot Numbered 1
20 situated 14.9 feet South of the Northeast corner
21 thereof; thence South along the East line of said Lot,
22 a distance of 157.1 feet; thence by a deflection to the
23 right, making an internal angle of the Lot of land
24 herein described 150 degrees and 48 minutes a distance
25 of 173 feet to the place of beginning,

26 and the symbols of the City of Fort Wayne Zoning Map No.
27 P-31, as established by Section 11 of Chapter 33 of the Code
28 of the City of Fort Wayne, Indiana are hereby changed
29 accordingly.

30 SECTION 2. That this Ordinance shall be in full force
31 and effect from and after its passage and approval by the
32 Mayor.

33 Janet G. Bradbury
34 Councilmember

35 APPROVED AS TO FORM AND LEGALITY:

36 Bruce O. Boxberger
37 BRUCE O. BOXBERGER, CITY ATTORNEY
38
39
40
41
42

Read the first time in full and on motion by Bradbury
seconded by Ridd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 10-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by _____, and duly adopted, placed on
passage. ~~PASS~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>1</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 11-10-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEKATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

ck # 873

COMMUNITY DEVELOPMENT & PLANNING

No 2737

Ft. WAYNE, IND., 9-18 1987

RECEIVED FROM Dennis Sautz \$ 50.00

THE SUM OF fifty + 00/ 100 DOLLARS

ON ACCOUNT OF

reponer

pleator Rd.
B-1-Pto B-3B

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We DENNIS B. SEITZ JULIE A. SEITZ
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-1-B District to a/an B-3-B District the property described as follows:

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Heaton Rd.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>DENNIS B. SEITZ</u>	<u>6407 S. Calhoun</u>	<u>Dennis B. Seitz</u>
<u>JULIE A. SEITZ</u>	<u>6407 S. Calhoun</u>	
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.
Dennis B. Seitz 6407 S. Calhoun 46807 744-2120
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN
 REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
 REGISTERED LAND SURVEYOR No. 9921 INDIANA
 FORT WAYNE, INDIANA

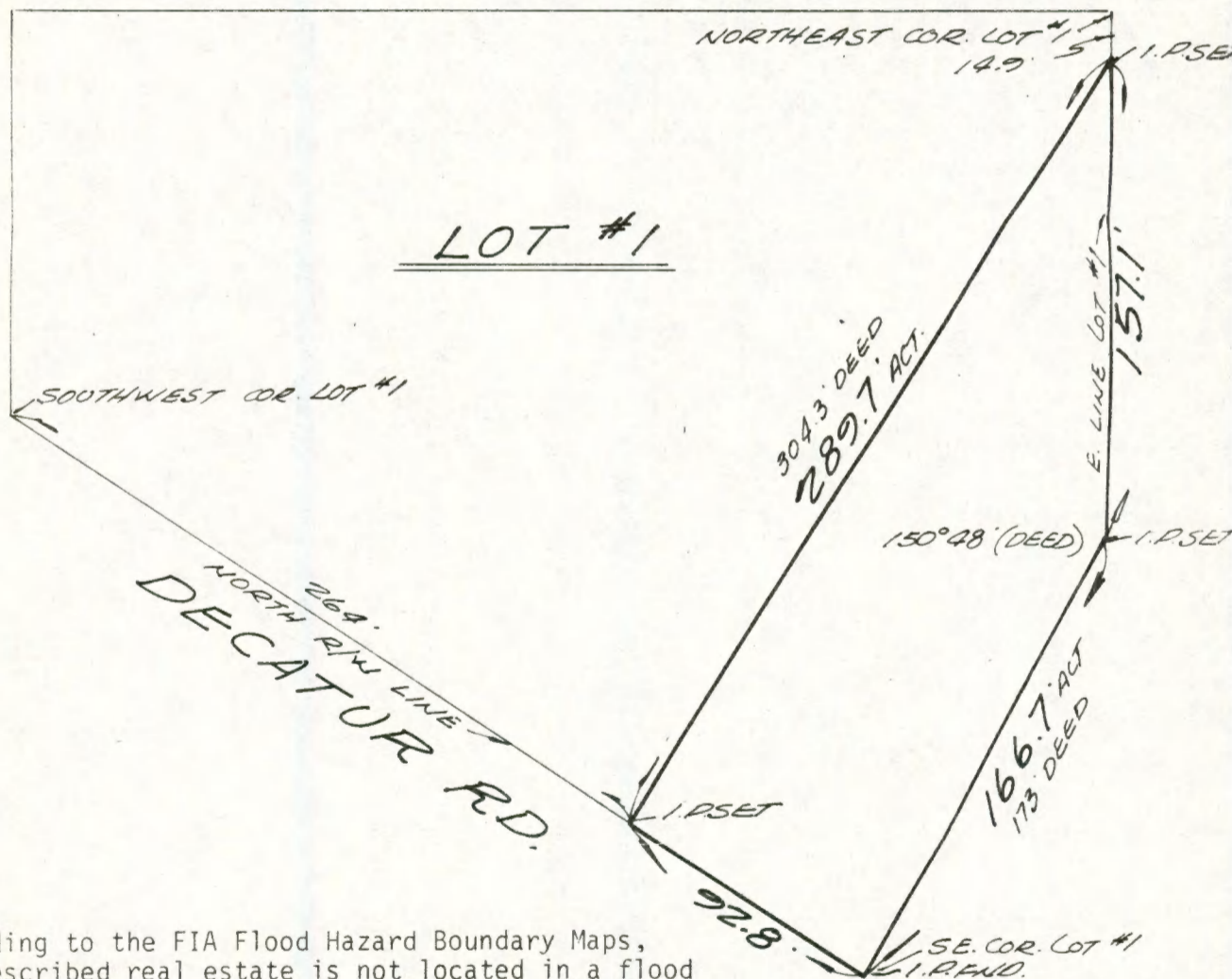
The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: The undivided $\frac{1}{2}$ of a part of Lot Numbered 1 of Neuenschwander's Addition to the City of Fort Wayne, described as follows:

Beginning at the Southeast corner of said Lot, said corner being a point on the North line of said Decatur Road; thence Northwest along the North line of said Decatur Road, 92.8 feet to the point situated 264 feet Southeast from the Southwest corner of said Lot Numbered 1; thence Northeast 304.3 feet to a point in the East line of said Lot Numbered 1 situated 14.9 feet South of the Northeast corner thereof; thence South along the East line of said Lot, a distance of 157.1 feet; thence by a deflection to the right, making an internal angle of the Lot of land herein described 150 degrees and 48 minutes a distance of 173 feet to the place of beginning.

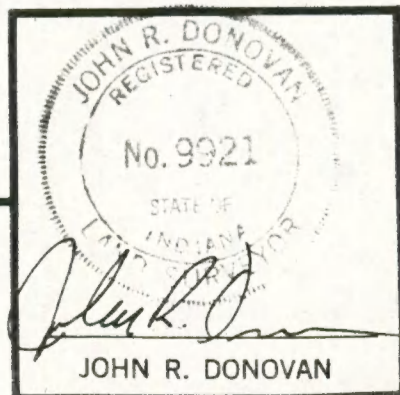
S. ANTHONY BLVD.
100' R/W



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: KEIRNS

1"=60'
7-24-84



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

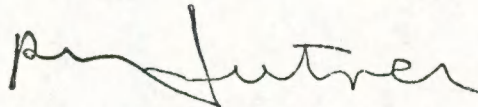
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ Northeast corner of Decatur Road & So Anthony Blvd.

3-87-10-04

EFFECT OF PASSAGE _____ Property is presently zoned B-1-B - Limited Business District.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____ Property will remain B-1-B Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-87-10-04

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From B-1-B to B-3-B

DETAILS**Specific Location and/or Address**

Decatur Road just east of Anthony Bl

Reason for Project

Property owner wished to sell property to someone for use as a Used Car Lot.

Discussion (Including relationship to other Council actions)
19 October 1987 - Public Hearing

Dennis Seitz, owner and petitioner stated that he and his wife intended to sell the property and that they had an offer from someone who wished to use the property for a used car lot. He was advised that he would need the B-3-B zoning in order to put in the used car lot.

Garland Boyd stated he did not appear in opposition to the request but was interested to know why the property had to be rezoned.

Steve Smith stated that a used car lot was not a permitted use in a B-1-B district.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Dennis & Julie Seitz
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☐ For ☒ Against

Reason Against
-approval would have adverse impact on area
-approval would constitute "spot" zoning

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

26 October 1987 - Business Meeting

Motion was made by the Commission to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present 7 voted in favor of denial one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 18 September 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by
Patricia Biancaniello

Date 29 October 1987

Reviewed by
Gay Bacter
Reference or Case Number

Date 10/30/87

BILL NO. Z-87-10-04

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of
Fort Wayne Zoning Map No. P-31

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN _____

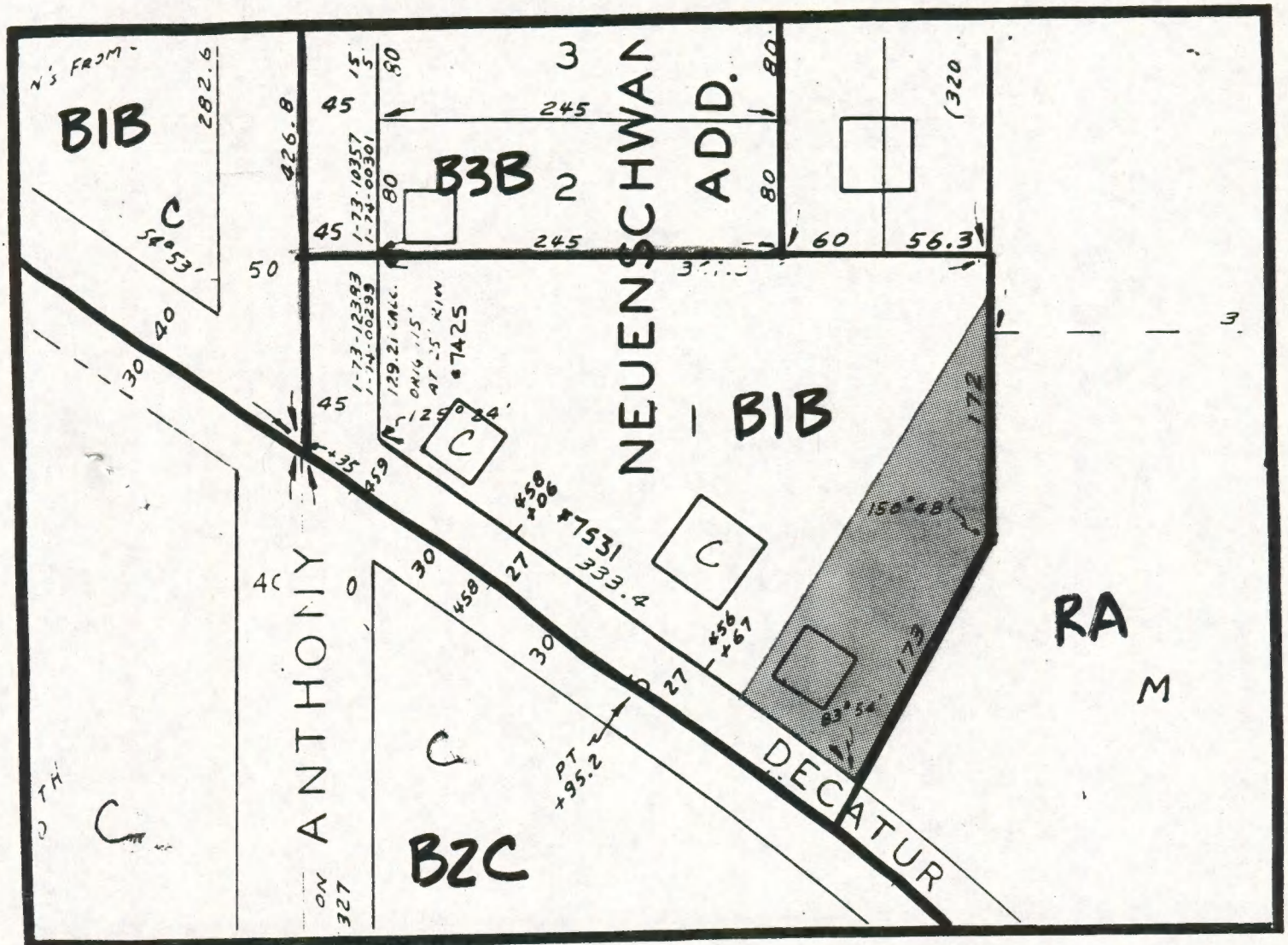
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #310

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B-1-B DISTRICT TO A B-3-B DISTRICT

MAP NO. P-31

COUNCILMANIC DISTRICT NO. 6



ZONING:

- BIB LIMITED BUSINESS 'B'
- B2C SHOPPING CENTERS
- B3B GENERAL BUSINESS 'B'
- RA RESIDENTIAL SUBURBAN

LAND USE:

- ☐ SINGLE FAMILY
- ☐ MULTI-FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 10-2-87

